

REMARKS

This Amendment is a resubmission of the Amendment originally filed on August 19, 2003. The undersigned attorney was notified by the U.S. Patent and Trademark Office on October 7, 2003 that the Amendment filed on August 19, 2003 was deficient in that it did not list all of the claim numbering in the application, including the numbering of claims that have been cancelled. Applicants now file this Amendment resubmission listing all of the claim numbering. It is respectfully submitted that this Amendment should be entitled to the timely filing of the Amendment filed on August 19, 2003 and should be sent to Examiner Rowan for review.

The Office action mailed May 19, 2003, in which the Examiner rejected pending claims 1-4, 6-9, 11-13, 15-19 and 21 has been reviewed. In view of the following remarks and amendments, Applicants respectfully submit that the application is in condition for allowance.

Claims 1, 6 and 12 have been amended. Claims 22-24 have been added. Support for the amendments to claims 1 and 12 can be found in the specification in Fig. 2 and at page 6, lines 3-10. Also the upper section of the interior compartment is necessarily large enough to house a fish as the upper section is the portion of the tank between the tank opening and the remainder of the interior compartment. Support for claims 22-24 may be found in Figs. 1 and 2 and at page 5, lines 18-20. As seen in Fig. 2, the first and second surfaces 40, 42 of the baffle may have at least some portions that are parallel with one another.

The drawings were objected to under 37 CFR 1.83(a) for failing to show every feature of the invention specified in the claims, specifically the upper and lower sidewalls, the lower interior compartment, and the first and second opposite ends of the upper and lower

sidewalls. Claims 1 and 12 have been amended to remove these features. As such, the Applicants respectfully request that the objection to the drawings under 37 CFR 1.83(a) be withdrawn.

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter, under 37 CFR 1.75(d)(1). Namely, correction was required for the upper and lower sidewalls, the lower interior compartment, and the first and second opposite ends of the upper and lower sidewalls. Claims 1 and 12 have been amended to remove these features. Additionally, line 2 of page 5 of the specification has been amended to add the reference numeral 28. As such, the Applicants respectfully request that the objection to the specification under 37 CFR 1.75(d)(1) be withdrawn.

Claims 1-4, 6-9, 11-13, 15-19 and 21 were rejected under 35 U.S.C. 102(b) as being anticipated by Woolworth. Woolworth discloses a floating bait bucket having a sidewall 1, a top wall 3 and a bottom wall 2, with an opening 6 formed in the top wall 3. A ring of buoyant material 20 provides bucket floatation, and fits into the corner between the side wall 1 and the top 3. A free surface 23 is exposed inside the container, and preferably is curved so that the ring 20 has the shape of a quadrant of a circle. The ring 20 may be positioned in place by adhesives or may be confined between rim 7 and rib or bead 24 formed on the side wall 1. A plurality of passages 25 extend through the flotation ring 20 and through the bucket wall 1, and allow water to circulate into and out of the bucket.

Amended claims 1 and 12 require, among other things, that a baffle couple sidewall sections having first and second surfaces, with the first surface extending generally

horizontally from the sidewall section inwardly into a interior compartment, and the second surface extending outwardly toward the sidewall section to form an upper section of the interior compartment between the baffle and a top, where the second surface is formed such that a portion of the upper section is positioned directly above the second surface, and the upper section is sized such that a fish received by an opening in the top may travel through the upper section. Woolworth does not disclose or teach such a baffle construction to form the upper section of the interior compartment as required in claim 1. The Examiner states that floatation ring 20 or rib 24 serving as a baffle has this construction, with the free surface 23 of the ring 20 serving as the first surface and the water passages 25 serving as the second surface. However, in either of these arrangements, the limitations of claims 1 and 12 are not met. If the rib 24 serves as the baffle, the only thing positioned directly above the second surface of the baffle is the ring 20, not the interior compartment upper section which is sized to allow fish to travel therethrough as required by claims 1 and 12. If the rib 24 or free surface 23 combines with the water passages 25 to form a baffle, only the ring 20 or the passages 25 are directly above the second surface (24, 25) of the baffle, not the interior compartment upper section which is sized to allow fish to travel therethrough. The passageways 25 are not sized for fish to travel therethrough, as opening 6 in the bucket is sized for this. Furthermore, the section of the bucket directly below the opening 6 cannot be the "interior compartment upper section" as there is no baffle second surface directly below the upper section.

Thus, Woolworth does not disclose or teach the tank as claimed by the Applicants in claims 1 and 12. As such, withdrawal of the rejection of claims 1 and 12 under 35 U.S.C. 102(b) as being anticipated by Woolworth is respectfully requested.

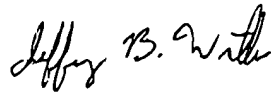
Claims 2-4, 6-9 and 11 depend directly or indirectly from independent claim 1, and claims 13, 15-19 and 21 depend directly or indirectly from independent claim 12. As claims 1 and 12 are believed to be allowable over the references of record, Applicants respectfully assert that claims 2-4, 6-9, 11, 13, 15-19 and 21 also are allowable. Withdrawal of the rejection under 35 U.S.C. 102(b) of claims 2-4, 6-9, 11, 13, 15-19 and 21 as being anticipated by Woolworth is respectfully requested.

Claim 3 was rejected under 35 U.S.C.103(a) as being unpatentable over Woolworth. As Woolworth does not teach or suggest the invention of claim 1, and claim 3 depends from claim 1, it is believed that claim 3 is allowable over the references of record for the same reasons that claim 1 is allowable. Withdrawal of the rejection of claim 3 under 35 U.S.C. 103(a) as being unpatentable over Woolworth is respectfully requested.

Based on the foregoing, it is submitted that the Applicants' invention as defined by claims 1-4, 6-9, 11-13, 15-19, 21 and 22-24 is patentable over the references of record. Issuance of a Notice of Allowance is solicited.

Should the Examiner believe that issues remain outstanding, the Examiner is respectfully requested to call Applicants' undersigned attorney in an effort to resolve such issues and advance this application to issue. This should be considered a complete response to the Examiner's Office action dated May 19, 2003.

Respectfully submitted,



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